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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,511	09/05/2003	Joseph Peter Robert Tosey	034300-490	8023
46188	7590	03/25/2009		
Nixon Peabody LLP 200 Page Mill Road Palo Alto, CA 94306			EXAMINER WHIPPLE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2452	
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			03/25/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,511	TOSEY, JOSEPH PETER ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN P. WHIPPLE	2452	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

#### DETAILED ACTION

1. Claims 1-62 are pending in this application and presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/6/09 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed 3/6/09 have been fully considered but they are not persuasive.
4. As to claim 1, Applicant makes a summary of claim 1's features and then concludes, "[t]his is not disclosed by the cited art of record" and that Rigaldies fails to disclose receiving, at a mail server, information from a first device regarding every change made to an application database located on the first device.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Furthermore, Rigaldies does disclose receiving, at a mail server, information from a first device regarding every change made to an application database located on the first device (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message).

5. Applicant argued that the examiner did not properly treat the means-plus-functions claims 33-59. However, Applicant is directed to Applicant's own specification (Fig. 7-9; corresponding paragraphs [0031] – [0033]). The means are broadly defined via such terms as “first device database change information receiver” and “first device database change information mail folder storer.” Clearly, if the method claim was rejected for steps such as receiving, at the mail server, information from a first device regarding every change made to the application database and storing said information in a mail folder on said mail server (see

the rejection of claim 1), then means for accomplishing such steps must be present in the system of Rigaldies.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 5, 8-11, 14, 17-20, 23, 26-34, 37, 39-43, 46, 49-53, 56, and 59-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Rigaldies et al. (Rigaldies), U.S. Patent No. 6,792,085 B1.

8. As to claim 1, Rigaldies discloses a method, comprising:

receiving, at a mail server, information from a first user computing device regarding every change made to an application database located on the first user computing device (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-

mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message);

storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first user computing device and a second user computing device (Abstract; Fig. 1-4; Col. 10, ln. 1-8; Col. 15, ln. 59 – Col. 16, ln. 6; the workstation mailbox is replicated/synchronized to the voice-mail server, the voice-mail server inherently includes a mailbox representing the user to accomplish said replication/synchronization); and

forwarding the information from the mail folder to the second user computing device upon receipt of a synchronization request from the second user computing device (Fig. 2; Col. 12, ln. 14-43), the second user computing device maintaining a copy of the application database (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message).

9. As to claim 2, Rigaldies discloses the information includes a record for each change made to the application database since said last synchronization (Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23).

10. As to claim 5, Rigaldies discloses the record for each change includes an identification of the record (Col. 18, ln. 20-39; Col. 18, ln. 61 – Col. 19, ln. 23; Col. 19, ln. 40-57).

11. As to claim 8, Rigaldies discloses deleting the information from said mail folder after said forwarding (Col. 18, ln. 31-39).

12. As to claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62, the claims are rejected for reasons similar to claim 1 above.

13. As to claim 10, Rigaldies discloses the uploading occurs in response to a request for synchronization on the first device (Fig. 2).

14. As to claim 11, Rigaldies discloses the downloading occurs in response to a request for synchronization on the second user computing device (Col. 4, ln. 41-60; Col. 12, ln. 14-43).

15. As to claims 14, 23, 37, 46, and 56, the claims are rejected for reasons similar to claim 5 above.

16. As to claims 17, 26, 28, 30, 32, 39-40, 49-50, and 59, the claims are rejected for reasons similar to claim 8 above.

17. As to claims 19, 42, and 52, the claims are rejected for reasons similar to claim 10 above.

18. As to claims 20, 43, and 53, the claims are rejected for reasons similar to claim 11 above.

19. As to claim 34, the claim is rejected for reasons similar to claim 2 above.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 3, 12, 21, 35, 44, and 54 are rejected under 35 U.S.C. 102(e) as anticipated by Rigaldies or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rigaldies as applied to claims 2, 9, 18, 34, 41, and 51 above, in view of Christie et al. (Christie), U.S. Patent No. 5,757,669.

22. As to claim 3, Rigaldies may be interpreted as inherently disclosing the record for each change includes an identification of the user computing device where the change took place as discussed in reference to parent claim 2 (Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23). This is due to the fact that Rigaldies discloses synchronization between a single workstation and a single mobile phone. As a consequence, the user must know that any status change synchronization on one device is occurring to a change made by the other device (Abstract; Col. 4, ln. 29-35 and 41-60). However, Rigaldies does not explicitly disclose that a record is kept of the device identifiers related to changes.

However, Christie does explicitly disclose the record for each change includes an identification of the user computing device where the change took place (Col. 3, ln. 47-49). Identification of a device responsible for changes in a networking environment is extremely well known in the networking and database management arts. Networking and database

management rely heavily on the identification of devices responsible for actions, in order to facilitate management and communication between devices.

The benefit of identifying the device responsible for a change in Christie is facilitating message forum communication (Col. 3, ln. 26-35). The entity responsible for the creation of a message is vital in message forums.

This benefit is also of use in Rigaldies' environment. Electronic mail and voice messages are sent and received by a user. It is crucial that a record is kept by the identity of message senders. Additionally, a benefit of device identity being stored would be that each user computing device (the mobile phone and workstation) in Rigaldies' environment could thus ensure that the end user is responsible for changes being made and that changes on messages are not coming from a hostile outside user. Thus both network communication and network security are benefits of identifying the creating entity in regards to electronic messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies by storing the identity of a user computing device responsible for a change in a change record as taught by Christie in order to facilitate network communications and network security as discussed above.

23. As to claims 12, 21, 35, 44, and 54, the claims are rejected for reasons similar to claim 3 above.

24. Claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigaldies as applied to claims 2, 9, 18, 34, 41, and 51 above, in view of LaRue et al. (LaRue), U.S. Patent No. 6,449,622 B1.

25. As to claim 4, Rigaldies discloses the invention substantially as in parent claim 2, including a record for each change used to synchronize with the mail server (Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23), but is silent on the record for each change includes a time stamp indicating the time the record is synchronized with the server.

However, LaRue discloses the record for each change includes a time stamp indicating the time the record is synchronized with the server (Col. 32, ln. 24-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies by recording a time stamp indicating the last time a record was synchronized with a server as taught by LaRue in order to compare change times between the server and the client in order to ensure that records are not obsolete (LaRue: Col. 32, ln. 24-37).

26. As to claims 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57, the claims are rejected for reasons similar to claim 4 above.

27. Claims 7, 16, 25, 48, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigaldies as applied to claims 2, 9, 18, 41, and 51, in view of Malik, U.S. Publication No. 2002/0065892 A1.

28. As to claim 7, Rigaldies discloses the invention substantially as in parent claim 2, including a record for each change associated with a change-action-queue record (Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23), but is silent on the record for each change includes a location and identify of attachment documents.

However, Malik discloses the record for each change includes a location and identify of attachment documents ([0026] – [0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies by including a location and identify of attachment documents in a record as taught by Malik in order to minimize the amount of duplicate copies of an identical attachment stored in a mail store (Malik: [0020]).

29. As to claims 16, 25, 48, and 58, the claims are rejected for reasons similar to claim 7 above.

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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